

Evans of B., Hamilton, Hartley, A. J. Hood, Hooker, Hord, Johnson, Lane, Maverick, Neighbors, Palmer, Pollock, Rossy, Scott, Tankersly, Tarver, Taylor of F., Taylor of H., Throckmorton, Turner and Westmoreland—26.

NAYS—Messrs. Speaker, Bryan of B., Cannon, Charlton, Coles, Crabb, Daggett, Evans of A., Evans of P., Flanagan, Hardeman of C., Hardeman of N., Jowers, Lawson, Lott, Mabry, Patrick, Rains, Randolph, Reid, Runnels, Sims, Stapp, Titus, White and Wren—26.

There being a tie vote, the amendment was lost.

Mr. Taylor of Harrison proposed the following amendment: Strike out representative district No. 17, made of Harrison and Upshur counties; and change No. 2, as connected with Harrison county, which forms the 15th representative district, to 3.

Pending the consideration of this amendment, on motion, the House adjourned until half-past 9 o'clock A. M., tomorrow.

AUSTIN, Friday, January 21, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees: Messrs. Browder, Fields, Howard, Jowers, McFarland, Stapp, Stewart and Tankersly.

PETITIONS.

Mr. Hamilton presented the petition of A. E. Osborn, praying relief; referred to the committee on Public Lands.

Mr. Neighbors presented the petition of Jose Maria Flores, praying relief; referred to the committee on Public Lands.

Mr. Hamilton presented the petition of the heirs of Edward Burleson, praying relief; referred to the committee on Finance.

Mr. Hamilton presented the petition of the heirs of Samuel P. Williams, praying relief; referred to the committee on Private Land Claims, No. 1.

Mr. Hartley presented the petition of John Nichols, praying duplicate land scrip; referred to the committee on the Judiciary.

Mr. Flanagan presented the petitions of John Long, James D. and Mary Hamilton, praying relief; referred to the committee on Public Lands.

Mr. Stapp presented the petition of E. Linn, praying relief; referred to the committee on Private Land Claims, No. 1.

Mr. Thomson presented the petition of Abel Morgan, praying relief; referred to the committee on Private Land Claims, No. 1.

Mr. Stewart presented the petition of Carl Dorr, praying relief; referred to the committee on Private Land Claims. Also, the petition of Jonathan Ridgeway; referred to the committee on Claims and Accounts.

REPORTS OF COMMITTEES.

COMMITTEE ROOM, January 20, 1853.

HON. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Finance, to whom was referred the report of the Comptroller, have instructed me to report the following resolution, and request its adoption:

Resolved, That one thousand copies of the Comptroller's report be printed for the use of the House.

Report and resolution received to come up in their order.

COMMITTEE ROOM, January 21, 1853.

HON. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Public Lands, to whom was referred a bill to be entitled "an act authorizing the issuance of duplicate land warrants," have had the same under consideration, and have instructed me to report the same back and recommend it to the favorable consideration of the House.

W. F. EVANS, Chairman.

Report and bill received to come up in their order.

COMMITTEE ROOM, January 21, 1853.

HON. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Private Land Claims, No. 1, to whom was referred a bill for the relief of Nicholas Herron, his heirs or assigns, have had the same under consideration, and from the evidence before them, they are of opinion that the claims of said Herron are just. They, therefore, beg leave to return the bill to the House without amendment, and recommend its passage.

W. D. THOMSON,

One of the committee

Report and bill received to come up in their order.

BILLS AND RESOLUTIONS.

Mr. Cannon introduced a bill supplementary to "an act

granting to settlers on vacant public domain pre-emption privileges," passed January 22, 1845; read first time.

Mr. Cannon introduced a bill authorizing the Auditor and Comptroller to audit the claims of Isaac Reynolds and G. W. Floyd, for services rendered in the revolutionary and Indian wars of the late Republic of Texas; read first time.

On motion of Mr. Bryan of Brazoria, the following report of the Comptroller was ordered to be spread upon the journal:

COMPTROLLER'S OFFICE,
Austin, November 16, 1852. }

To His Excellency, P. H. BELL,

Governor of the State of Texas:

I submit the following report, in conformity with law. The receipts and expenditures of the State, in available means, are as follows:

RECEIPTS.

Amount direct and license taxes, revenue of State,	\$119,642 45
Amount derived from sale of public property,	6,635 90
Amount miscellaneous sources, such as fees of office, Patent fees, Government dem., &c.,	4,850 04
Amount refunded by Government of the United States, on account of Blackwell and Johnson's companies,	8,094 12
Amount received from United States on account of cession of territory, under act of Congress, approved Sept. 9, 1850, (\$1,372,000 of which has been disbursed and sold in payment of public debt of the late Republic, and \$53,000 transferred to school fund, as directed by statutes),	5,000,000 00
Amount interest received on account of the above,	274,090 10
Amount premium on that portion of the above which has been sold,	42,243 84

Amount received on account of State,	\$5,455,556 45
Amount received from revenue of late Republic, on account of customs, direct and license taxes, &c., &c.,	3,564 71
Amount of disbursable means in the Treasury on the 31st - October, 1851, to wit:	
In specie of general school fund,	12,051 88
“ “ for disbursement,	25,890 68
	<hr/> 37,942 56
Aggregate of disbursable revenue and means of Republic and State,	<hr/> 5,497,063 72

EXPENDITURES.

Amount disbursed by Treasurer on account of expenditure of State,	237,692 61
Amount disbursed by Treasurer on account of public debt of late Republic,	997,684 12
Amount of revenue of State, transferred to account of "Special Deposit," having been improperly placed to the credit of the former account instead of the latter,	35 79
Amount reserved for school purposes, being one-tenth of the annual revenue of the State, as follows:	
In five per cent. United States' bonds,	\$53,000 00
In Specie,	8,974 12
	<hr/> 61,974 12
	<hr/> 1,297,386 64
Leaving a balance of disbursable means in the Treasury, on the 31st of October, 1852, of	\$4,199,677 08

This balance is composed of \$3,575,000 in United States' five per cent. indemnity bonds, and \$624,777 08 in specie.

A considerable amount of the debt of the late Republic, for whose payment unconditional appropriations were made at the last session of the Legislature, has not been presented for liquidation, viz: \$230,587 64 of the first class claims, including interest; \$210,023 26; of the second class, \$17,214 90 of the third class, and \$7,319 80 of miscellaneous claims, making in all \$465,145 60, to meet which, it will be observed by the preceding statement, that a sum sufficient in specie is at present in the Treasury for that object, when it may suit the pleasure of the holders to present their claims.

I have the satisfaction of stating that nearly all of the Assessors and Collectors have satisfied their indebtedness to the State, for the present and past years: the accounts of those who have failed to do so, are now being prepared for suit, and will be handed to the proper officer, so that the necessary legal proceedings for the recovery of the amounts severally due, may be instituted at the spring term of the district court.

But little progress, since the date of my last annual report, has been made in the settlement of the accounts against collectors of revenue under the late Republic. Mr. H. M. Kinsey, the agent elected at the third session of the Legislature, specially for that purpose, regards the tenure of his office as having expired, so that at present there is no one officiating in that capacity. I still adhere to the recommendation made on this subject in my report of last year—that of abolishing the agency, and transferring the settlement of the claims to the district attorneys of the respective districts where the defaulters reside, and clothing said officers with similar power with which the agent was delegated. For the reasons assigned in the report alluded to, I am convinced, that by the proposed change much more could be accomplished towards the final adjustment of this old and complicated business, than could be by a continuation of the agency.

The assessment rolls from nearly all of the counties for the year 1852, have been received, and the result is most satisfactory. They show an increase of taxable property, throughout the State, of about 23 per cent. over the preceding year, (1851), as will be seen more fully by reference to accompanying statement, marked "—."

The several statements herewith transmitted, marked from "A" to "C," exhibit an account of the general operations of this office, for the last fiscal year, all of which is most respectfully submitted.

JAMES B. SHAW, *Compt.*

Mr. Johnson introduced a bill to incorporate the White Oak Bridge Company; read first time.

Mr. Stapp introduced a bill to incorporate the Victoria and Indianola Plank Road and Turnpike Company; read first time.

Mr. Turner introduced a bill to authorize the erection of a floating bridge across the San Marcos river; read first time.

Mr. Pollock introduced a bill permitting and authorizing B. B. Davenport, of the county of Nacogdoches, to practice law; read first time.

Mr. Pollock moved to suspend the rule regulating the general order of business, in order that the bill might be placed upon its second reading; motion lost.

Mr. Hardeman of Caldwell introduced a joint resolution to authorize the Comptroller of the State to procure lot No. 5, in Division A, on the Government tract adjoining the city of Austin, for a State Cemetery; read first time.

Mr. Throckmorton introduced a bill to incorporate the Memphis, El Paso and Pacific Railroad Company.

Mr. Taylor of Fannin moved to dispense with the reading of the bill; motion lost.

When the clerk proceeded to read; during the progress of which a message was received from His Excellency, the Governor, transmitting a communication in writing.

The bill under consideration was read first time.

Mr. Stewart introduced a bill to incorporate the San Jacinto Bridge and Turnpike Company; read first time.

On motion of Mr. Hartley, a bill providing for the subscription, by the counties of this State, to the stock of corporations undertaking works of internal improvements, and for the payment and disposal of the stock so subscribed, was taken from the table; rule suspended; read second time and referred to the committee on Internal Improvements, and one hundred copies thereof ordered to be printed for the use of the House.

Mr. Pollock introduced a bill for the relief of John Maginnis; read first time.

On motion of Mr. Flanagan, the House proceeded to dispose of the business on the Speaker's table, and

THE ORDERS OF THE DAY.

A bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, according to the requirements of the Constitution, not having been dis-

posed of when the House adjourned, being first in order, again came up for consideration.

Question pending upon the adoption of the amendment proposed by Mr. Taylor of Harrison on yesterday; amendment adopted.

Mr. Cannon moved a re-consideration of the vote taken on yesterday, rejecting the amendment proposed by Mr. Camp, upon which the yeas and nays were taken and stood as follows:

YEAS—Messrs. Andrews, Bee, Bryan of B., Bryan of C., Browder, Camp, Cannon, Coles, Crabb, Crockett, Doom, Dunlap, Edwards, Hamilton, Hartley, Hardeman of N., A. J. Hood, Hooker, Hord, Johnson, Lane, Palmer, Pollock, Rains, Randolph, Reid, Rossy, Rowe, Scott, Speights, Tankersly, Tarver, Taylor of F., Taylor of H., Throckmorton, Westmoreland and Wren—37.

NAYS—Messrs. Speaker, Charlton, Evans of B., Evans of A., Evans of P., Flanagan, Lawson, Lott, Mabry, Neighbors, Patrick, Runnels, Sims, Stapp, Titus, Turner and White—17.

So the vote was re-considered, and the amendment afterwards adopted.

Mr. Dunlap then proposed the following amendment: In representative district, No. 69, amend so as to make it read—“No. 69, Cameron shall elect three representatives.”

Mr. Hord moved to re-refer the bill and amendment to the committee on Apportionment.

Mr. Johnson moved the House adjourn until 3 o'clock, P. M.; lost.

Mr. White moved the House adjourn until half-past 3 o'clock, P. M.; lost.

After some discussion, Mr. Hord withdrew his motion to re-commit the bill.

Mr. Browder then moved that the House adjourn until 9 o'clock A. M., to-morrow; lost.

The question then recurring upon the adoption of Mr. Dunlap's amendment, the yeas and nays were called for thereon, when Mr. Stapp moved a call of the House. The call being ordered and made,

On motion of Mr. Scott, a further call was suspended, (Mr. Maverick having been excused from attendance on the motion of Mr. Evans of B.)

The yeas and nays were then taken upon the adoption of Mr. Dunlap's amendment, and stood thus:

YEAS—Messrs. Bee, Bryan of C., Browder, Dunlap, Hamil-

ton, Hord, Johnson, Neal, Palmer, Rossy, Scott, Tankersly, Tarver, Taylor of F., Taylor of H. and Wren—16.

NAYS—Messrs. Speaker, Andrews, Bryan of B., Camp, Cannon, Charlton, Coles, Crabb, Crockett, Daggett, Doom, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., Hardeman of N., A. J. Hood, Hooker, Jowers, Lawson, Lott, Mabry, Neighbors, Patrick, Pollock, Rains, Randolph, Reid, Rowe, Runnels, Sims, Stapp, Thomson, Throckmorton, Titus and Turner—39.

So the amendment was rejected.

Mr. Bryan of Cameron moved a re-reference of the bill to the committee on Apportionment.

Mr. Andrews moved to lay that motion on the table.

Mr. Hardeman of Nacogdoches moved the House adjourn until 3 o'clock P. M.; lost.

The yeas and nays were then called for on Mr. Andrews' motion to lay on the table, and stood thus:

YEAS—Messrs. Speaker, Andrews, Camp, Cannon, Charlton, Coles, Crabb, Crockett, Daggett, Doom, Edwards, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., A. J. Hood, Hooker, Johnson, Jowers, Lawson, Lott, Mabry, Neighbors, Patrick, Pollock, Rains, Randolph, Reid, Rowe, Runnels, Scott, Sims, Stapp, Throckmorton, Titus, Turner and White—39.

NAYS—Messrs. Bee, Bryan of B., Bryan of C., Dunlap, Hamilton, Hord, Palmer, Rossy, Tankersly, Tarver, Taylor of F., Taylor of H., Westmoreland and Wren—14.

So the motion to lay upon the table prevailed.

Mr. Bee then moved the previous question.

The question, "shall the main question now be taken," was put, and the yeas and nays having been taken thereon, stood thus:

YEAS—Messrs. Speaker, Andrews, Bee, Cannon, Charlton, Coles, Crabb, Crockett, Daggett, Edwards, Evans of B., Evans of P., Flanagan, Hartley, Hardeman of C., A. J. Hood, Hooker, Johnson, Jowers, Lawson, Lott, Mabry, Neal, Neighbors, Palmer, Patrick, Rains, Randolph, Reid, Rowe, Runnels, Scott, Sims, Stapp, Taylor of H., Throckmorton, Titus, Turner, White and Wren—40.

NAYS—Messrs. Bryan of B., Bryan of C., Browder, Doom, Dunlap, Evans of A., Hamilton, Hord, Pollock, Rossy, Tankersly, Tarver, Taylor of F., and Westmoreland—14.

So the main question was ordered.

The main question being the engrossment of the bill as

amended, a motion was made to raise a committee to wait upon absent members and receive their votes, which was decided out of order by the Speaker.

Mr. Neal then called for the reading of the bill as amended.

The question was then put: "will the House order the reading of the bill," and negatived.

The bill having been previously read twice, the yeas and nays were then taken on the engrossment of the bill, which stood thus:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Camp, Charlton, Coles, Crabb, Crockett, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hardeman of C., Hooker, Jowers, Lawson, Lott, Mabry, Neighbors, Patrick, Randolph, Reid, Rowe, Runnels, Sims, Stapp, Taylor of H., Throckmorton, Titus, Turner and White—32.

NAYS—Messrs. Bee, Bryan of C., Cannon, Daggett, Doom, Dunlap, Edwards, Hamilton, A. J. Hood, Hord, Johnson, Neal, Palmer, Pollock, Rains, Rossy, Scott, Tankersly, Tarver, Taylor of F., Westmoreland and Wren—22.

So the bill was ordered to be engrossed.

On motion of Mr. Scott, the House adjourned until half-past 9 o'clock A. M., to-morrow.

AUSTIN, January 22, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Bryan of C., Crockett, Evans of B., Evans of A., Fields, Howard, Johnson, Maverick, McDade, Neal, Russell and Turner.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Jowers presented the petition of Samuel G. Wells, praying relief; referred to the committee on Finance.

Mr. Randolph presented the petition of Margaret Clark, praying relief; referred to the committee on Private Land Claims, No. 2.

REPORTS OF COMMITTEES.

COMMITTEE ROOM, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the petition of the Judge and members of the third judicial dis-